

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE: : CASE NO. 23-57716-JRS
:
TIP TOP TUX, LLC, : CHAPTER 7
:
Debtor. :

**TRUSTEE’S APPLICATION FOR APPOINTMENT
OF ACCOUNTANTS AND FINANCIAL ADVISORS**

COMES NOW Jason L. Pettie, as Chapter 7 Trustee (“**Trustee**” or “**Applicant**”) for the bankruptcy estate (the “**Bankruptcy Estate**”) of Tip Top Tux, LLC, LLC (“**Debtor**”), and, pursuant to 11 U.S.C. § 327 and FRBP 2014, hereby files *Trustee’s Application for Appointment of Accountants and Financial Advisors* (the “**Application**”). In support of the Application, Trustee respectfully shows the Court the following:

Jurisdiction and Venue

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409(a).

Background Facts and Relief Requested

2. Debtor filed a voluntary petition for relief under Chapter 7 of Title 11 of the United States Code on August 11, 2023 (the “**Petition Date**”), initiating, Case No. 23-57716-JRS (the “**Case**”).

3. On August 14, 2023, Trustee was appointed to the Case as the interim Chapter 7 trustee [Doc. No. 3], pursuant to 11 U.S.C. § 701(a)(1).

Employment of Accountants and Financial Advisors

4. To administer this case in a proper, efficient, and economical manner, Trustee shows that it is necessary to retain accountants and financial advisors to render the following services:

- a. To prepare and file any and all tax returns which may be required and to provide assistance, advice and consultation with regard to state and federal income taxes and impact on assets;
- b. To analyze holdings of the Debtor including analysis of transactions, valuation of assets including business holdings, leases, cash flow and equity in the Debtor's assets for recovery by the Bankruptcy Estate;
- c. To analyze financial impact of any settlements between Debtor and case parties;
- d. To provide accounting and other financial services to the Trustee as needed;
- e. To investigate and analyze funds owed to the Debtor and reconcile same;
- f. To assist with the determination and resolution of claims asserted by the various parties, employees and taxing agencies;
- g. To advise and assist Applicant and attorneys for the Applicant in connection with an investigation of the affairs of the Debtor to assist in the administration of this estate and/or liquidation of the assets of the Bankruptcy Estate;
- h. To advise and assist Applicant and Applicant's legal counsel in connection with the investigation, analysis, and compilation of data relating to financial and accounting matters or issues in connection with any proceeding in this case, and to prepare such reports, summaries, documents and exhibits as may be required in connection therewith;

- i. To analyze records and claims submitted by creditors and payments of same;
- j. To perform any other services that may be required as accountants and financial advisors to Applicant to assist Applicant and Applicant's attorneys in the performance of Applicant's duties and exercise of Applicant's rights and powers under the Bankruptcy Code.

5. Trustee wishes to employ Hays Financial Consulting, LLC ("HFC"), 2964 Peachtree Road NW, Suite 555, Atlanta, Georgia 30305, (404)-926-0060, as Trustee's accountants and financial advisors. Trustee shows that the employees employed by HFC have knowledge and experience with regard to the matters for which HFC is to be engaged and are well qualified to represent Trustee. Attached hereto as Exhibit "A" is a Firm Profile describing HFC and listing the HFC's current fee schedule. Attached as Exhibit "B" is the Rule 2014 Verification of Hays Financial Consulting, LLC.

6. To the best of Trustee's knowledge, and except as otherwise disclosed herein and in the Bankruptcy Rule 2014 Verification, HFC and its employees represent no interest adverse to Debtor, Trustee, creditors, any other party in interest, their respective attorneys, and accountants, the United States Trustee, or any person employed in the office of the United States Trustee, or the estate, in the matter for which HFC is to be engaged. HFC is disinterested under 11 U.S.C. § 101(14), with regard to the matters upon which it is to be engaged, and HFC's employment is in the best interests of this estate, Debtor, Trustee, creditors and other parties in interest. Disclosure is made, however, that S. Gregory Hays, the managing principal of HFC, has been appointed by the United States Trustee for Region 21 to act as a panel trustee in the United States Bankruptcy Court, Northern District of Georgia, Atlanta Division. As a result, employees of HFC have regular contacts with employees of the Office of the United States Trustee. HFC is employed by S. Gregory Hays in his role as Chapter 7 and 11 Trustee in various other cases in which he serves as

the Chapter 7 or Chapter 11 Trustee. In addition, HFC has been and is currently employed by Jason L. Pettie in his role as Chapter 7 Trustee in other cases. Further, HFC has no connection with the debtor, creditors, any other party in interest, or their respective attorney and accountants, United States Trustee or any person employed in the office of the United States Trustee.

7. To expedite the evaluation of the Bankruptcy Estate's assets, HFC has already performed certain accounting services and financial advisory services for the Bankruptcy Estate or plans to perform such services, which may be rendered prior to the signing of any order resulting from this Application.

8. Applicant proposes that said firm be compensated for its services in accordance with future orders of the Court based upon the criteria for professional compensation required by bankruptcy law. No compensation will be paid by Applicant to said firm except upon application to and approval by the Court after notice and hearing as required by law.

WHEREFORE, Applicant prays for authority to retain and employ Hays Financial Consulting, LLC to provide accounting and financial advisory services to Trustee for the purposes specified hereinabove and that such authorization continue if said firm should assist any successor Trustee.

Respectfully submitted this 15th day of August, 2023.

By: /s/ Jason L. Pettie
Jason L. Pettie,
Georgia Bar No. 574783
Taylor English Duma
Suite 200
1600 Parkwood Circle SE
Atlanta, GA 30339
678-336-7226
Proposed Attorneys for Trustee

Exhibit “A”

HAYS FINANCIAL CONSULTING, LLC

2964 Peachtree Road, NW, Ste 555
Atlanta, GA 30305
(404) 926-0060
www.hayconsulting.net

Profile of Hays Financial Consulting, LLC

Hays Financial Consulting, LLC (“HFC”) is a corporate financial consulting and accounting firm that specializes in bankruptcy and receivership management, asset recovery, forensic accounting, and litigation support. The firm or its Managing Principal, S. Gregory Hays, has been active in bankruptcy, receivership, and litigation cases for twenty years. The firm includes a team of professionals in finance, accounting, tax, operations, technology, asset recovery, and human resources to provide a wide array of professional services in bankruptcy, receiver, and litigation cases. Following are brief summaries of the firm’s key practice areas:

Fiduciary Services

HFC and its principal officers serve in a fiduciary capacity as trustee, receiver, assignee, examiner, disbursing agent, or liquidating agent. Mr. Hays serves as a Chapter 11 trustee and was appointed by the United States Trustee to serve as a Chapter 7 panel trustee. Mr. Hays or the firm have served as a fiduciary in United States District Court, United States Bankruptcy Court, and State Courts. The firm has been appointed in Georgia, Texas, South Carolina, Alabama, Florida, New York, and California.

Bankruptcy and Receiver Financial Services

The firm has extensive experience in all phases of bankruptcy and receivership management, administration, and accounting. Consultants provide interim management and serve as CEO or CRO so that quick and effective results may be obtained. Financial consultants and accountants are placed on the debtor’s premises to administer the estate. Consultants take control of a debtor, secure the assets and records, and provide management services during the period of reorganization or liquidation. Financial Consultants and accountants also assist debtors in possession with financial reporting and operations and/or provide advice to committees, trustees, or receivers.

Accounting Services

HFC has accountants that provide a wide array of accounting services in insolvency cases. The firm has CPAs and support staff to undertake accounting functions including preparation of accounting reports, maintaining books and records of debtor entities, investigating accounting records, and preparing accounting reports for the court.

Forensic Accounting

HFC has extensive experience in investigating and recovering funds from fraudulent activity. Financial consultants investigate fraud through various techniques including funds tracing and asset searches. Documents and records are researched using both internal and external sources to unravel the fraud. Once the fraud is identified, accountant and financial consultants work closely with legal counsel and provide litigation support and recover assets.

Tax Return Preparation

The firm provides corporate tax preparation services and specializes in filing applications to recover taxes for bankrupt or insolvent entities. The firm prepares the current year returns, completes the

carryback claims, examines state and local taxes for potential refunds, analyzes sales taxes, and calculates the refund for sales taxes due to bad debt write-offs.

Litigation Support / Expert Witness

The firm provides litigation support services and is involved in investigating all aspects of the pending litigation. The firm provides assistance to counsel in discovery including preparation of schedules for document production and assistance in preparing interrogatories and review of documents. The firm researches claims, investigates issues, attends depositions, develops strategies, prepares analyses, and interviews witnesses.

Distressed Properties and Real Estate Management

HFC has managed and liquidated hundreds of distressed properties including a wide variety of asset classes. Recent notable case includes sale of \$110 million apartment complex and the sale of the vacant and abandoned Presidential Tower in Atlanta. HFC has served as receiver for numerous apartment complexes. HFC also served as receiver for two condominium projects and sold \$33 million in condos. HFC served as receiver for an operating condominium association and has managed and sold numerous rental homes in several receiver cases.

Asset Recovery and Collection Services

The firm has an asset recovery and collection department that specializes in identifying and recovering assets. The firm uses a variety of methods to identify hidden assets including computer searches and other asset tracing methodologies. In addition, the firm has an accounts receivable collection group and is engaged as collection agent to fiduciaries or employed directly by financial institutions. The group is available to work on a contingency basis or will manage accounts receivable functions on an hourly basis. When deemed appropriate, the firm engages and manages external collection agencies and collection attorneys.

Asset Disposition Services

The firm is experienced in liquidating a wide variety of assets and employs auctioneers, real estate brokers, and other liquidation professionals as deemed appropriate. Consultants investigate the value of assets and arrange for appropriate means to liquidate the assets.

Employee Benefits Plan Termination Services

The firm has a Human Resources department to resolve employee matters and efficiently terminate employee benefits plans, prepare employee tax returns, and resolve employee issues.

Representative Bankruptcy and Receiver Cases

HFC has served as Accountant to Trustee, Accountant and Financial Consultant to Receiver, Financial Advisor to Debtor, Financial Advisor to Committee and Receiver for a wide variety of insolvent businesses. HFC has held a leading accounting and financial management role in the cases listed below:

Bankruptcy Cases

Master Lending Group – **Accountant to Trustee** in investment company

Atlanta Light Bulbs – **Accountant to Trustee** in wholesaler.

HP Superior – **Accountant to Trustee** for healthcare facility.

The Money Tree, Inc. – **Accountant to Trustee** for consumer finance company.

Scovill, Inc. – **Accountant to Trustee** for manufacturing company.

DBSI, Inc. – **Financial Advisor to the Examiner** for real estate ownership and management.

Nice Financial – **Accountant to Examiner** for payday lender.

Nukote International, Inc. – **Financial Advisor to Committee** for printing company.

Catalyst Natural Gas, LLC – **Accountants to the Trustee** for natural gas distribution company.
Powder Coating, Inc. – **Accountant to the Trustee** for manufacturing company.
Georgia Floors, Inc. – **Accountants to Trustee** for a flooring installer.
Westminster Ceramics – **Financial Advisor to Debtor** for \$60 million tile manufacturer.
Atlantis Plastics – **Financial Advisor to Debtor** for plastics manufacturing company.
Verso Technologies – **Financial Advisor to Committee** for public technology company.
C.M. Vaughn, LLC – **Accountants to Trustee** for \$13 million securities fraud.
Cornerstone Ministries – **Financial Advisor to Committee** for \$180 million real estate fund.
VyTech Industries, Inc. – **Accountant to Trustee** for RV materials manufacturing company.
Aerosol Packaging, LLC – **Financial Advisor to Unsecured Creditors** for packaging company.
Fibrex Cordage, LLC – **Liquidating Director** for a manufacturer of cordage products.
FirstLine Corporation – **Financial Advisor to Unsecured Creditors** for a manufacturing co.
Brookstone Fine Wood Products – **Accountant to Trustee** for a home product supply company.
Maxxis Group, Inc. – **Accountant to Trustee** for a telephone and dietary supplement supplier.
Allied Holdings, Inc. – **Administrative Compliance Consultants** for vehicle transport company.
Bramlett Plumbing, Inc. – **Turnaround Consultants** for a plumbing supply company.
Aero Plastics, Inc. – **CEO** for a plastics manufacturing company with sales of \$60 million.
Apyron Technologies, Inc. – **Accountant to Trustee** for a materials science company.
Galey & Lord, Inc. et al – **Accountant to Trustee** for a manufacturer of textiles for sportswear.
Battle Builders, Inc. et al. – **Accountant to Trustee** for a developer of residential homes.
Retailer Z, LLC – **Accountant to Trustee** for a retail chain of textile stores.
PNI Technologies, Inc. – **Accountant to Trustee** for a paging business.
Integra Holdings – **Accountant to Trustee** a holding company with over \$7 million in claims.
Stewart Finance Company – **Accountant to Trustee** for an operating finance company.
Eriah Farms – **Accountant to Trustee** for a 6,000-acre peanut and cotton farming operation.
Specialty Equipment Rental, Inc. – **Accountant to Trustee** for a heavy equipment rental co.
Eagle Acquisition Corp. – **Collection Agent for Secured Creditor**.
Custom Insurance Services, Inc. – **Accountant to Trustee** for \$20 million insurance agency.
IMS Group, Inc. – **Accountant to Trustee** for a motor distributor with \$25 million in sales.
QOS Networks, Inc. – **Accountant to Trustee** for a global networking company.
Associated Distributors, Inc. – **Accountant to Trustee** a building materials retailer.
McLain Building Materials, Inc. – **Accountant to Trustee** for a building materials retailer.
Film Fabricators, Inc. – **Accountant to Trustee** for a plastics manufacturing company.
Leisure Time Casinos & Resorts – **Accountant to Trustee** for a gaming equipment company.

Receivership, Special Master, Assignment & Other Cases

Milton Hall Surgical Associates – **Accountant to Special Master**
Omnico Group, Inc. – **Accountant to Assignee** pursuant to Assignment for Benefit of Creditors.
Laptop & Desktop Repair, LLC – **Receiver** for electronics reseller.
Lighthouse Financial Partners, LLC – **Accountant and Consultant** to Receiver.
SJK Investment Management – **Financial Consultant** to Receiver for \$80 million hedge fund.
The EPI Companies, LLC – **Accountant and Financial Consultant** to commercial printing.
Echelon Development Company, LLC – **Receiver** for real estate development and golf course.
Atlanta Hyundai – **Receiver** for a used car dealership.
Nationwide Furniture – **Receiver** for a furniture retailer in Georgia.
LaTour Partners – **Receiver** for a condominium conversion project in Georgia.
Bonaparte Partners – **Receiver** for a condominium conversion project in Florida.
Parish Economics – **Financial Consultant to Receiver** in a \$130 million securities fraud.

AppForge, Inc – **Assignee** in intellectual property for software company.
Cornerstone Capital Management, LLC – **Financial Consultant to Receiver** in fraud case.
Pinnacle Development Partners, LLC – **Financial Consultant** in a \$62 securities offering.
Travis Correll et al – **Accountant and Consultant to Receiver** in \$400 million fraud case.
Lake Dow Capital, LLC – **Accountant and Financial Consultant** to \$25 million hedge fund.
Mobile Billboards of America et al. – **Accountant and Financial Consultant to Receiver**.
J. Scott Eskind – **Accountant and Consultant** to Special Master for securities fraud case.

Memberships in Professional Associations

Consultants in the firm are members of the following professional organizations:

American Bankruptcy Institute
American Institute of Certified Public Accountants
Association of Insolvency & Restructuring Advisors
Georgia Society of Certified Public Accountants
National Association of Bankruptcy Trustees
National Association of Federal Equity Receivers
Turnaround Management Association

Billing Information

The firm charges reasonable hourly fees taking into account the time and value of services rendered. The firm maintains detailed descriptions and time is recorded in tenths of hours. The hourly rates of the firm's professionals by position are as follows:

Managing Principal & Director	\$300.00-\$450.00
Director	\$200.00-\$350.00
Manager	\$150.00-\$250.00
Associates / Senior Associate	\$100.00-\$200.00

Hourly fees are subject to annual adjustment in accordance with economic conditions. The firm may employ additional consultants or associates whose hourly rates will be determined in accordance with their qualifications. Travel time is billed at one-half of the firm's standard hourly rates.

Expense Description

Out-of-pocket expenses incurred in connection with the provision of consulting services are charged to the client for reimbursement of the amount expended. These charges typically include: parking costs, record search fees by independent services, copy services, travel expenses, courier charges, overnight charges, and postage. The firm also charges for the following:

Photocopies – billed at \$0.15 per page
Travel – billed at 2023 IRS rate of \$0.655 per mile
On Line Research – billed at actual cost
Tax licensing/filing fees, billed at actual cost

Additional Information

Additional information on the cases listed above and copies of key documents are available on the Hays Financial Consulting, LLC web site at www.haysconsulting.net.

Exhibit “B”

**RULE 2014 VERIFICATION OF HAYS FINANCIAL CONSULTING, LLC
WITH REGARD TO EMPLOYMENT AS ACCOUNTANTS AND FINANCIAL
ADVISORS TO THE TRUSTEE**

I, S. Gregory Hays, hereby declare under penalty of perjury:

9. I am a managing principal of Hays Financial Consulting, LLC (the “**HFC**”), which maintains offices at 2964 Peachtree Road NW, Suite 555, Atlanta, Georgia 30305. I make this affidavit in support of the Application for Approval of Employment of Hays Financial Consulting, LLC, as Accountants and Financial Advisors.
10. To the best of HFC’s information and belief, HFC and its employees have no connections or represent no interest adverse to Tip Top Tux, LLC (“**Debtor**”), Trustee, creditors, any other party in interest, their respective attorneys, and accountants, the United States Trustee, or any person employed in the office of the United States Trustee, or the estate, in the matter for which HFC is to be engaged. HFC is disinterested under 11 U.S.C. § 101(14), with regard to the matters upon which it is to be engaged, and HFC’s employment is in the best interests of this estate, Debtor, Trustee, creditors and other parties in interest. Disclosure is made, however, that S. Gregory Hays, the managing principal of HFC, has been appointed by the United States Trustee for Region 21 to act as a panel trustee in the United States Bankruptcy Court, Northern District of Georgia, Atlanta Division. As a result, employees of HFC have regular contacts with employees of the Office of the United States Trustee. In addition, HFC had been employed by Jason L. Pettie in his role as Chapter 7 other cases in which he served as the Chapter 7 Trustee.
11. HFC has made a reasonable effort to discover the possibility of conflicts as described above. If HFC discovers any information that is contrary to or supplemental to statements made herein, HFC will promptly disclose such information to the Court and the U.S. Trustee.
12. HFC is not and was not a creditor, an equity security holder or an insider of Debtor.
13. Accordingly, I believe HFC is a “disinterested person” as that term is defined in section 101(14), as modified by section 1107(b) of the Bankruptcy Code.
14. The foregoing constitutes the statement of HFC pursuant to section 327 of the Bankruptcy Code and Rule 2014(a) of the Federal Rules of Bankruptcy Procedure.

This 15th day of August, 2023.

/s/ S. Gregory Hays
S. Gregory Hays

CERTIFICATE OF SERVICE

This is to certify that I have this day served the foregoing *Trustee's Application for Appointment of Accountants and Financial Advisors* by depositing in the United States mail a copy of same in a properly addressed envelope with adequate postage affixed thereon to assure delivery by first class mail to the following entities at the addresses stated:

Office of the U.S. Trustee
362 Richard B. Russell Building
75 Ted Turner Drive, SW
Atlanta, GA 30303

Tip Top Tux, LLC
500 Floyd Blvd.
Sioux City, IA 51101

William A. Rountree
Rountree Leitman Klein & Geer, LLC
Century Plaza I, Suite 350
2987 Clairmont Road
Atlanta, GA 30329

This 15th day of August, 2023.

/s/ Jason L. Pettie
Jason L. Pettie
Chapter 7 Trustee